

# ***Town Board Minutes***

February 23, 2009

Meeting No. 7

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 23<sup>rd</sup> day of February 2009 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DANIEL AMATURA, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

AT 9:15 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing:

1. Town Hall expansion contracts
2. Emergency Management matter that could imperil public safety
3. Assessment Equity Program contract matter
4. Contractual matter regarding land acquisition
5. Contractual matter regarding sale of Real Property

At 11:35 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Szablewski Tim**, spoke to the Town Board on the following matter:

- sewer issues on Kennedy Court

**Addeo, Bob**, spoke to the Town Board on the following matter:

- sewer issues on Kennedy Court

**Grajek, Rosemary**, spoke to the Town Board on the following matter:

- does not want sidewalks on Logan Lane

**Galczynski, Marty**, spoke to the Town Board on the following matters:

- questions about the proposed Wal-Mart at Transit Road & William Street
- Condominium Law 339Y

**Addeo, Toni**, spoke to the Town Board on the following matter:

- sewer issues on Kennedy Court

**Fronczak, Mike**, spoke to the Town Board on the following matter:

- new Police Station

**Schneggenburger, Roy**, spoke to the Town Board on the following matter:

- Stony Road

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon the petition of Ronald Fronckowiak for a Special Use Permit for a Home Occupation (mortgage broker office) on premises locally known as 10 Sussex Lane.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
Robert Fronckowiak, petitioner	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM, AND CARRIED, the public hearing was closed at 8:34 P.M.

Decision on this matter was reserved.

February 23, 2009

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
None	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

February 23, 2009

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
February 2, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, DJC Land Inc., 2635 Millersport Highway, Getzville, New York 14086 applied for approval of a single family residential subdivision to be known as “Wainwright Court Subdivision” located on Wainwright Court in the Town of Lancaster, and

**WHEREAS**, at the October 1, 2007 Lancaster Town Board meeting, the Town Board authorized the filing of a map cover for the Subdivision known as Wainwright Court by approving the proposed single family subdivision as prepared by Greenman-Pederson, Inc. dated August 28, 2007 and filed with the Town Clerk on September 19, 2007 for filing in the Erie County Clerk’s Office, and

**WHEREAS**, the Wainwright Court Subdivision was filed in the Erie County Clerk’s Office under Map Cover 3368 dated October 11, 2007, and

**WHEREAS**, the Town of Lancaster accepted the completed Public Improvements within Wainwright Court Subdivision including Public Improvement No. 630- Pavement and Curb on October 6, 2008 and directed that the Town Attorney attend to filing the deed causing the dedication of the road (s) to the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Lancaster Town Board re-affirms the acceptance of the map cover as previously approved and filed with the Erie County Clerk including all right-of-way and subplot boundaries included therein, and

**BE IT FURTHER**

**RESOLVED**, that the Map Cover for Wainwright Court be amended and refiled by the project sponsor to eliminate the notation that the Town of Lancaster is to abandon a portion of Wainwright Court.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2009 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were duly opened on February 5, 2009, and

**WHEREAS, RUSSELL’S TREE & SHRUB FARM LLC**, 9800 Transit Road, East Amherst, New York 14051, has submitted the lowest responsible bid in the amount of \$27,388 for furnishing said trees to the Town of Lancaster, and

**WHEREAS**, the General Crew Chief, by letter dated February 12, 2009 requests the Town Board to accept the bid of Russell’s Tree & Shrub Farm LLC, and

**WHEREAS**, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 2009 bid prices from Russell’s Tree & Shrub Farm LLC at his discretion for whatever other tree plantings the Town may incur in 2009.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid of **RUSSELL’S TREE & SHRUB FARM LLC**, 9800 Transit Road, East Amherst, New York 14051, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to place orders with Russell’s Tree & Shrub Farm LLC for those trees which the Town of Lancaster needs for its 2009 Tree Planting Program, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 2009 bid prices from Russell’s Tree & Shrub Farm LLC at his discretion for whatever other tree plantings the Town may incur in 2009.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 16<sup>th</sup> day of March 2009, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before February 26, 2009 in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009



**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 23<sup>rd</sup> day of February, 2009, the said Town Board will hold a Public Hearing on the 16<sup>th</sup> day of March, 2009, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

C. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

(18) Schwartz Road, for northbound and southbound traffic, from Broadway to Westwood Road.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE**  
**TOWN OF LANCASTER**  
  
**By: JOHANNA M. COLEMAN**  
**Town Clerk**

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2009, entitled “FLOODPLAIN MAP REVISION”, which will amend the Code of the Town of Lancaster by adding Section 21.6 (A) (4) to Chapter 21 “Floodplains”, Article III, “General Provisions” of the Code of the Town of Lancaster, which reads as follows:

**Chapter 21**

**FLOODPLAINS**

**ARTICLE III, General Provisions**

**Section 21-6., Basis for establishing areas of special flood hazard.**

**Proposed  
Local Law  
Of the Year 2009**

**A LOCAL LAW OF THE YEAR 2009 ENTITLED “FLOODPLAIN MAP REVISION”, WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 21-6 (A) (4) TO CHAPTER 21, “FLOODPLAINS” ARTICLE III, SECTION 21., AND**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2009 entitled “Floodplain Map Revision” which adds Section 21-6 (A) (4) to Chapter 21, “Floodplains”, Article III, “General Provisions” of the Town Code which reads as follows:

**§21-6. Basis for establishing areas of special flood hazard.**

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) . . . . .
- (4) LOMR effective August 28, 2008, FEMA case number 07-02-0974P, revising FIRM panel 0010C and Flood Plain Study Profile 15P.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2009, entitled “Floodplain Map Revision” which Local Law adds Section 21.6 (A) (4) to Chapter 21, “Floodplains”, Article III, “General Provisions” of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o’clock P.M., Local Time, on the 16<sup>th</sup> day of March, 2009, and that Notice of the Time and Place of such Hearing shall be published on February 26, 2009, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2009, entitled “Floodplain Map Revision” available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 23, 2009, the said Town Board will hold a Public Hearing on the 16<sup>th</sup> day of March, 2009 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2009, entitled "Floodplain Map Revision", and further designated as Chapter 21, "Floodplains", Article III, "General Provisions" Section 21.6 (A) (4) of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION  
PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY (FEMA)."**

A complete copy of this proposed Local Law of the Year 2009, entitled "Floodplain Map Revision ", and designated as Chapter 21, "Floodplains", Article III, "General Provisions", Section 21.6 (A) (4) of the Code of the Town of Lancaster, is available at the Office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter  
dated January 13, 2009 has requested the addition of a member to the roster of said fire  
association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company the following  
individual:

**ADDITION:**

Jake Schonert  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, pursuant to Notice duly given, has held a Public Hearing on a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of §184-a of the Town Law of the State of New York, and

**WHEREAS**, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, deems said contract for the supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, to be in the public interest and safety;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, does hereby approve the contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, and

2. That the Town Board of the Town of Lancaster be and hereby is directed to execute said Agreement on behalf of the Fire Protection District of the Town of Lancaster, for a term commencing April 1, 2008 and terminating March 31, 2013.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Schedule of Salaries for the calendar year 2008 be and hereby is amended and approved for the members of the Cayuga Club retroactive to January 1, 2008:

**TO BE PAID BI-WEEKLY**

Lieutenants	71,994.00 each
D.A.R.E. Officer	65,212.00
Detective-Lieutenant	73,252.00
Detectives	65,212.00 each
School Resource Officers	65,212.00 each
Police Officers	61,607.00 each

and,

**BE IT FURTHER**

**RESOLVED**, that the following Schedule of Salaries for the calendar year 2009 be and hereby is appended and approved for the members of the Cayuga Club retroactive to January 1, 2009:

Lieutenants	74,154.00 each
D.A.R.E. Officer	67,168.00
Detective-Lieutenant	75,450.00
Detectives	67,168.00 each
School Resource Officers	67,168.00 each
Police Officers	63,455.00 each

and,

**BE IT FURTHER**

**RESOLVED**, that all other types of compensation, where applicable, be paid according to the terms of agreement between the Town of Lancaster and the Cayuga Club.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23 , 2009



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

**WHEREAS**, Raceway Entertainment LLC, d/b/a Lancaster Speedway (now Dunn Tire Raceway Park), 57 Gunnville Road, Lancaster, New York, by letter received February 3, 2009 in the Office of the Town Clerk of the Town of Lancaster, has indicated their intent to apply for a liquor license with the New York State Liquor Authority, and

**WHEREAS**, Raceway Entertainment LLC, d/b/a Lancaster Speedway (now Dunn Tire Raceway Park), 57 Gunnville Road, , Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

**WHEREAS**, this waiver can only be granted by the Town Board of the municipality in which the premises is located.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the following Schedule of Salaries for the calendar year 2008  
be and hereby is amended and approved to be retroactive to January 1, 2008:

**TO BE PAID BI-WEEKLY**

<b>POLICE:</b>		
	Police Captains	82,282.00 each
	Police Chief	98,380.00

and,

**BE IT FURTHER**

**RESOLVED**, that the following Schedule of Salaries for the calendar year 2009  
be and hereby is amended and approved to be retroactive to January 1, 2009:

**TO BE PAID BI-WEEKLY**

<b>POLICE:</b>		
	Police Captains	84,750.00 each
	Police Chief	101,331.00

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 6662 to Claim No. 6951 Inclusive  
Total amount hereby authorized to be paid: \$718,764.74

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

- CODES:**  
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
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**NEW PERMITS:**

16445	Forbes Homes	12 Sawgrass Ln	Er. Dwlg.-Sin.
16446	Sign Language	5915 Broadway	Er. Sign-Wall
16447	Marrano/Marc Equity	49 Avian Way	Er. Dwlg.-Sin.
16448	Ryan Homes	41 Rose St	Er. Dwlg.-Sin.
16449	Ryan Homes	15 Rose St	Er. Dwlg.-Sin.
16450	Krebs, Ronald	82 Ivy Way	Er. Res. Alt. (V/L)
16451	Golding, Samuel	16 Sugarbush Ln	Er. Res. Add.
16452	McHichol, Shannon	35 St John St	Re-Roof House (V/L)
16453	Essex Homes	71 Middlebury Ln	Er. Dwlg.-Sin.
16454	Sitzman's Appliances	2199 Como Park Blvd	Install Generator (V/L)
16455	Marrano/Marc Equity	3 Chicory Ln	Er. Dwlg.-Sin.
16456	Marrano/Marc Equity	16 St Davids Rd	Er. Dwlg.-Sin.
16457	Schiffler, Tim	350 Lake Ave	Er. Shed
16458	HMP General Const	338 Harris Hill Rd	Repair Roof
16459	Weigel, Timothy	139 Irwinwood Rd	Er. Res. Alt. (V/L)
16460	Anderson Water Systems	187 Nathan's Trl	Install Generator
16461	Picket Fence	4 Gale Dr	Er. Fence
16462	Alliance Homes	65 Middlebury Ln	Er. Dwlg.-Sin.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 23, 2009

## COMMUNICATIONS & REPORTS

59. Erie County Department of Public Works to Town Attorney -  
Comments regarding the site plan of Benderson Retail Center, 4931 Transit Road.  
DISPOSITION = Planning Committee
60. Erie County Department of Environment & Planning to Supervisor -  
Notice of lead agency designation regarding site plan of Summerfield Farms Subdivision,  
Part 5; comments and concerns noted. DISPOSITION = Planning Committee
61. Lipstiz Green Scime Cambria LLP to Town Clerk -  
Advisement of liquor license application for Dunn Tire Raceway Park.  
DISPOSITION = Resolution 2/23/09
62. Ferdinand J. Ciccarelli, Attorney at Law to Town Clerk -  
Advisement of liquor license renewal application for swimming pool area at Lancaster  
Country Club Inc. DISPOSITION = Town Clerk
63. Ferdinand J. Ciccarelli, Attorney at Law to Town Clerk -  
Advisement of liquor license renewal application for the halfway house at Lancaster  
Country Club Inc. DISPOSITION = Town Clerk
64. Village of Lancaster to Wm. Schutt & Associates, P.C. -  
Letter noting approval for use of specified area of Clark Street parking lot during Town  
Hall expansion/addition project; condition noted. DISPOSITION = Received & Filed
65. Erie County Department of Environment & Planning to Supervisor -  
Notice of lead agency designation regarding rezone petition of 81 & 3 of Florida, 5497  
Genesee Street, east of Harris Hill Road; comments and concerns noted. DISPOSITION =  
Planning Committee
66. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, &  
Stempniak -  
Notice of no concerns regarding site plan for Medical Office Building, 4899 Transit Road.  
DISPOSITION = Planning Committee
67. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak  
-  
Notice from Town Forestry Department requesting additional trees regarding the  
landscape plan for Benderson Retail Center, 4931 Transit Road. DISPOSITION =  
Planning Committee
68. Wm. Schutt & Associates, P.C. to Supervisor & Town Board -  
Letter outlining a review of engineering services accomplished in 2008 and a list of goals  
for 2009. DISPOSITION = Received & Filed
69. Town Clerk to Town Board -  
Transmittal of monthly report for January 2009. DISPOSITION = Received & Filed
70. Clerk, Erie County Legislature to Supervisor, Town Clerk -  
Transmittal of correspondence regarding proposal to establish an Erie County Planning  
Board. DISPOSITION = Received & Filed
71. Duane Pieri to Supervisor -  
Letter of appreciation regarding explanation of sidewalk responsibility by the Building  
Inspector. DISPOSITION = Received & Filed
72. Village of Lancaster to Town Board -  
Minutes of meeting held January 26, 2009. DISPOSITION = Received & Filed
73. Bouvier Partnership, LLP to Supervisor -  
Letter seeking interest with other municipalities regarding possible collective re-  
negotiation for new cable franchise with Time Warner. DISPOSITION = Town Attorney
74. Duplicate

75. Planning Board to Town Board -  
Notice of adjournment to March 4, 2009 meeting regarding rezone petition of 81 & 3 of Florida Inc, 5497 Genesee Street; conditions noted. DISPOSITION = Received & Filed
76. Planning Board to Town Board -  
Notice of adjournment to March 4, 2009 meeting regarding site plan of Retail Building, 4931 Transit Road; conditions noted. DISPOSITION = Received & Filed
77. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held February 4, 2009. DISPOSITION = Received & Filed
78. Lipsitz Green Scime Cambria LLP to Supervisor -  
Letter requesting waiver of 30 day notification requirement of liquor license renewal for Dunn Tire Raceway Park. DISPOSITION = Resolution 2/23/09
79. Wm. Schutt & Associates, P.C. to Supervisor -  
Letter regarding replacement of the Cemetery Road Bridge relative to water line replacement. DISPOSITION = Received & Filed
80. Wm. Schutt & Associates, P.C. to Town Board -  
Recommendation for approval of completed portions of public improvements, namely water lines and pavement and curbs, and entire Con/Span bridge in Windsor Ridge South Subdivision, Phase 1A. DISPOSITION = Planning Committee
81. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -  
Notice of SEQR meeting to be held Monday, February 23, 2009, 6:30 PM regarding Kangaroo Development, Phase I, Medical Building, 4899 Transit Road.  
DISPOSITION = Received & Filed
82. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held Monday, February 23, 2009, 6:30 PM regarding Kangaroo Development, Phase I, Medical Building, 4899 Transit Road.  
DISPOSITION = Received & Filed
83. Buffalo Tournament Club to Town Clerk -  
Advisement of liquor license renewal application for summer eating place beer license.  
DISPOSITION = Town Clerk
84. Buffalo Tournament Club to Town Clerk -  
Advisement of liquor license renewal application for summer on premises liquor license.  
DISPOSITION = Town Clerk
85. Buffalo Tournament Club to Town Clerk -  
Advisement of liquor license renewal application for additional summer on premises liquor license. DISPOSITION = Town Clerk

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED**, the meeting was adjourned at 11:35 P.M. in memory of Matthew Monin, Dewey Rohl, Shawn Sponholz, Irene Liguori, Darren Tolsma and the other 49 victims who perished on February 12, 2009 in the airplane crash of Continental Airlines Flight # 3407.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk